

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the Register first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Register after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY SOCIAL SERVICES

PREAMBLE

1. Sections Affected

R6-5-7411
R6-5-7432
R6-5-7433
R6-5-7437
R6-5-7446
R6-5-7459
R6-5-7461

Rulemaking Action

Amend
Amend
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Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 8-503(A)(4)(a), 41-1003, 41-1954(A)(3), 41-1967(I), and 46-134(A)(12)

Implementing statutes: A.R.S. §§ 8-506, 8-509, 41-1967(D) and (E), and 46-134(A)(2)(b)

3. The effective date of the rules:

September 29, 2000

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 5 A.A.R. 396, January 29, 1999

Notice of Proposed Rulemaking: 6 A.A.R. 684, February 18, 2000

5. The name and address of the agency personnel with whom persons may communicate regarding the rulemaking:

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6. An explanation of the rule, including the agency's reasons for initiating the rule:

This rulemaking package arises out of a request from the Governor's Regulatory Review Council (GRRC) in May 1997 when it reviewed and approved the Department's Administrative Rule package on Group Care Facilities (R6-5-7401 through R6-5-7471). At the time the previous rule package was filed, GRRC requested that the Department review the rules after a year of implementation and determine if additional modifications were required. The Department has determined that the rules presented in this package do require minor modifications.

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The proposed modifications:

- A. Clarify the documentation that must be filed with the application for renewal of a license so that the requirements and process are easier for the applicant.
- B. Add the requirement that an instructor must be qualified to train staff in de-escalation and physical restraint practices, and specify the qualification standards. This added requirement will ensure that instructors are training staff using practices that conform to this Article and state law.
- C. Add the requirement that the licensee shall have a written plan to ensure that children in care are safeguarded. This requirement provides that the licensee will have adequate staff to minimize the risk of harm to the children, even if this staffing plan exceeds the minimum requirements according to the rule.
- D. Remove the requirement that supervisors be certified because no one in Arizona has been able to comply with this certification requirement and the Department determined that to do so would not add quality to the programs offered by the licensee.
- E. Add a requirement that meals be prepared in compliance with the posted menus. Current rules require that licensees prepare a menu. However, licensees were not using the menus to prepare their meals, thus defeating the purpose of the menus, which is to ensure that children are provided with well-balanced meals.
- F. Eliminate the specific measurements for determining adequate light in residential areas because they are impractical. The licensee shall be required to provide illumination to ensure that staff and children can perform typical daily activities and tasks safely without eyestrain.
- G. Add a requirement prohibiting locks on bedroom doors because of fire danger.
- H. Provide for technical correction in internal cross-references.

7. A reference to any study that the agency relied on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state.

Not applicable

9. The summary of the economic, small business, and consumer impact.

This rulemaking effort will not impose any significant costs on any person or group, other than the minor costs associated with promulgation and publication of the rulemaking package. Any minor costs are outweighed by the benefits of clarifying certain aspects of the process for licensing group care facilities. The public, the regulated social service entities, and the Department, will all benefit from this rulemaking effort.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

In R6-5-7433(B)(5), language was changed since the proposed rules were filed. The words “5. Training staff in de-escalation and any physical restraint practices used at the facility by an instructor approved by the Department.” have been changed to the following:

“5. Training staff in de-escalation and any physical restraint practices used at the facility by an instructor qualified under this subsection. An instructor is qualified to train staff in de-escalation and physical restraint practices if:

- a. The instructor has a written curriculum that conforms to the requirements of this Article and state law.
- b. The classroom instruction provided conforms to the requirements of this Article and state law.

The reason for this change is to clarify that an instructor must be qualified to train staff in de-escalation, and to specify that in order to be qualified, an instructor’s written curriculum and classroom instruction must conform to both the requirements of this Article and state law.

In R6-5-7437(A), “to ensure that children are safeguarded.” was changed to read “to minimize the risk of harm to children.” at the suggestion of GRRC staff. This change in language makes clear that no written plan alone can ensure the safety of children, but that a written plan should be written with the goal of minimizing the risk of harm to children.

All amendments to R6-5-7452 were removed from the final rulemaking package as a result of public comment.

Minor grammatical and stylistic changes were made at the request of GRRC staff.

11. A summary of the principal comments and the agency response to them:

Dr. Thomas H. Ross, Medical Director of Comprehensive Medical and Dental Program (CMDP) opposed the change to rule **R6-5-7452. Medical and Health Care.**

Dr. Ross stated that modifying the requirement for dental exams in licensed group homes from six months to twelve months is contrary to the standards of dental care in our community.

In response to Dr. Ross's comments, the amendment to R6-5-7452 was removed from the rulemaking package.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

**ARTICLE 74. LICENSING PROCESS AND LICENSING REQUIREMENTS FOR CHILD WELFARE AGENCIES
OPERATING RESIDENTIAL GROUP CARE FACILITIES AND OUTDOOR EXPERIENCE PROGRAMS**

Sections

- R6-5-7411. Application for Renewal of License and Operating Certificates
- R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions
- R6-5-7433. Orientation and Training for Staff
- R6-5-7437. Staff Coverage; Staff-child Ratios
- R6-5-7446. Nutrition, Menus, and Food Service
- R6-5-7459. Building Interior
- R6-5-7461. Sleeping Areas and Furnishings

**ARTICLE 74. LICENSING PROCESS AND LICENSING REQUIREMENTS FOR CHILD WELFARE AGENCIES
OPERATING RESIDENTIAL GROUP CARE FACILITIES AND OUTDOOR EXPERIENCE PROGRAMS**

R6-5-7411. Application for Renewal of License and Operating Certificates

- A.** No earlier than 90 and no later than 60 days prior to the expiration date of license, an agency may apply to the Licensing Authority for renewal of its license and any operating certificates. The Licensing Authority does not have a duty to notify the agency of license expiration. The agency shall contact the Licensing Authority to request a renewal application and to schedule a DHS health and safety inspection. The agency shall schedule its own fire inspection. Failure to timely apply or obtain inspections may result in suspension of the agency's license until the renewal process is completed.
- B.** An agency shall apply for renewal on a Department application form containing the information required in this Section. ~~listed in R6-5-7405(A)~~
- C.** An agency shall submit copies of the completed renewal application and supporting documents ~~listed in R6-5-7405(A)~~ to the Licensing Authority. If the agency has not amended, changed or updated the information or documentation since the agency last applied for or renewed its license, the agency shall ~~may~~ indicate "no change" on the documents submitted with the renewal application form.
- D.** With a renewal application, the agency shall also submit the following documentation:
 - 1. A current financial statement prepared by an independent certified public accountant who is not employed by the agency;
 - 2. A certificate of current insurance coverage as prescribed in R6-5-7426;
 - 3. A copy of the agency's current budget and the agency's audit report for its preceding fiscal year;
 - 4. Identification of and the following background information on the agency, facility, and administrators:
 - a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;
 - b. Name, title, business address, and telephone and telefacsimile number of:
 - i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);
 - ii. The person who serves as the program director as prescribed in R6-5-7432(B);
 - iii. The person with delegated authority to act when the CEO is absent;
 - iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);

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- v. Persons holding at least 10% ownership interest in the applicant; and
- vi. The agency and facility medical directors, if applicable;
- c. The educational qualifications and work history for each person listed in subsection (D)(4)(b), with that person's attached resume, employment application, or curriculum vitae;
- d. A list of the members of the agency's governing body described in R6-5-7424, including name, address, position in the agency, term of membership, and any relationship to the applicant;
- e. A list of licenses or certificates for provision of medical or social services currently or previously held by the applicant or persons listed in subsection (D)(4)(b), including those held in this state or another state or country; the list shall include the dates the person held the license or certificate;
- f. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (D)(4)(b), including those held in this state or another state or country; and
- g. A written description of any litigation in which the applicant or a person listed in subsection (D)(4)(b) has been a party during the 10 years preceding the date of application, including, collection matters and bankruptcy proceedings.
- 5. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority.
- 6. The following information on staff:
 - a. A list of applicant's paid staff, including:
 - i. Name;
 - ii. Position or titles;
 - iii. Degrees, certificates, or licenses held;
 - iv. Business address;
 - vi. Date of hire;
 - vii. Date of last physical; and
 - viii. Date of submission for fingerprinting and background clearance;
 - b. For any staff whose primary residence is the facility:
 - i. The name and date of birth of any persons residing with a staff member;
 - ii. Evidence that any adult residing with a staff member has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and
 - iii. Evidence that the staff member's children who reside at the facility have current immunizations.
- ~~7.4.~~ Copies of any written complaints the agency has received about its performance at its ~~facilities~~ facility during the expiring license year and the agency's response to the complaints; and
- ~~8.5.~~ A written description of any changes in program services or locations, or the children served by the agency.
- E. For a renewal application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the applicant submits a renewal application form and the required documentation listed in this Section.

R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions

- A. Chief Executive Officer ("CEO"): A licensee shall have a chief executive officer for the agency. The CEO:
 - 1. Is responsible for general management, administration, and operation of the agency in accordance with this Article;
 - 2. Ensures that:
 - a. Each child in care receives necessary professional services;
 - b. Appropriately qualified staff render services to children in care; and
 - c. The services are coordinated;
 - 3. Shall have management experience and meet any other qualifications prescribed by the Governing body;
 - 4. Shall reside in Arizona;
 - 5. Shall be accessible to staff, representatives of the Licensing Authority, and other governmental agencies; as used in this subsection, "accessible" means readily available to answer questions and to handle problems or emergencies that arise, either personally or through a chain of command; and
 - 6. Shall designate a qualified person to perform administrative responsibilities whenever the CEO is inaccessible.
- B. Program Director: A licensee shall have a least 1 person who is responsible for development, implementation, and supervision of an agency's programs and services. This person shall have at least:
 - 1. A master's degree in social work or a related area of study from an accredited school and 1 year experience in the child welfare or child care services field; or
 - 2. A bachelor's degree in social work or a related area of study from an accredited school and 2 years of experience in the child welfare or child care services field.
- C. Facility Supervisor: If a licensee operates more than 1 facility, the licensee shall designate a person to supervise the operations of each facility.

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- D. Supervisors: Any staff member who supervises, evaluates or monitors the work of the direct care staff shall have ~~1. Have~~ at least 6 months paid child care experience and at least 3 1/2 years of any combination of the following:
- ~~1. a.~~ Paid child care or related experience; or
 - ~~2. b.~~ Post-high school education in social work or a related field; ~~or;~~
 2. ~~Be certified by the Arizona Professional Youth Care Association, the National Organization of Child Care Workers Association, or an equivalent organization.~~
- E. Direct Care Staff: A person who supervises, nurtures, or cares for a child in care shall have at least:
1. A high school diploma or equivalency degree and 1 year experience in working with children; or
 2. One year post-high school education in a program leading to a degree in the field of child welfare or human services.
- F. Program Instructors: A person who supervises, trains, or teaches children in the performance of a physical activity that poses an unusually high risk of harm, such as archery, river rafting, rock climbing, caving, rappelling, and hang gliding, shall:
1. Be currently certified to perform the activity, if applicable;
 2. Have at least 3 years experience related to the activity; or
 3. Have at least 3 letters of reference attesting to skill and experience in the activity.
- G. CPR and First Aid Certification: A licensee shall ensure that:
1. Direct care staff are certified in pediatric cardiopulmonary resuscitation (CPR) and in first aid by the American Red Cross, the American Heart Association, or the Arizona Chapter of the National Safety Council within 3 months of being hired and before caring alone for children in care.
 2. At least 1 staff member per shift, per facility is currently certified in CPR and first aid.
- H. Multiple Functions: A licensee may allow 1 person to perform multiple functions or fill more than 1 position so long as:
1. The person performing multiple functions is qualified for the jobs held; and
 2. The licensee does not violate the requirements of this Article, including R6-5-7437 governing staff-child ratios.
- I. Exclusions: The educational requirements set forth in this Section do not apply to persons employed with a licensee on the effective date of this Article. These requirements do apply to:
1. Persons hired as employees after the effective date of this Article; and
 2. Persons who:
 - a. Are employed with a licensee on the effective date of this Article;
 - b. Subsequently separate from that employment; and
 - c. Later seek employment with the same or a different licensee.

R6-5-7433. Orientation and Training for Staff

- A. A licensee shall have a written plan for orientation and training of all staff. The plan shall include a method for the licensee to evaluate whether the person has actually learned the information that was the subject of orientation or training.
- B. All staff shall receive initial orientation and training before assignment to solo supervision of children. The initial orientation and training shall include:
1. Acquainting staff with the licensee's philosophy, organization, program practices, and goals;
 2. Familiarizing staff with the licensee's policies and procedures, including those on confidentiality, client and family rights, grievances, emergencies and evacuations, behavior management, preventing and reporting child maltreatment, record-keeping, medications, infection control, and treatment philosophy;
 3. Training staff in cardiopulmonary resuscitation (CPR) and first aid according to American Red Cross guidelines as prescribed in R6-5-7432(G); ~~(F)~~;
 4. Training staff to do the initial health screening prescribed in R6-5-7438(E)(9); the licensee shall have a licensed medical practitioner provide this training.
 5. Training staff in de-escalation and any physical restraint practices used at the facility; by an instructor qualified under this subsection. An instructor is qualified to train staff in de-escalation and physical restraint practices if:
 - a. The instructor has a written curriculum that conforms to the requirements of this Article and state law.
 - b. The classroom instruction provided conforms to the requirements of this Article and state law.
 6. Familiarizing staff with the specific child care responsibilities outlined in the person's job description;
 7. Training staff to recognize expected responses to and side effects of medications commonly prescribed for children in care; and
 8. Training staff in the licensee's emergency admissions process if applicable to the licensee's services.
- C. The licensee's training plan for ongoing training shall satisfy the requirements of this subsection.
1. A full-time support staff member shall receive at least 4 hours of annual training.
 2. A full-time direct care staff member shall receive at least 24 hours of annual training.
 3. The training shall cover matters related to the person's job responsibilities, and at least the following subjects, as appropriate to the characteristics of the children in care at the facility:
 - a. Child management techniques;
 - b. Discipline, crisis intervention, and behavior management techniques;
 - c. A review of the licensee's policies;

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- d. Health care issues and procedures;
- e. Maintenance of current certification in CPR and first aid;
- f. Attachment and separation issues for children and families;
- g. Sensitivity towards and skills related to cultural and ethnic differences;
- h. Self-awareness, values, and professional ethics; and
- i. Children's need for permanency and how the agency works to fulfill this need.

R6-5-7437. Staff Coverage; Staff-child Ratios

- A. A licensee shall have a written plan to minimize the risk of harm to children. The written plan shall describe ~~describing~~ the staffing for each facility, for 24 hours per day, 7 days per week. The staffing plan shall explain:
- 1. How staff coverage is assured:
 - a. When assigned staff are absent due to illness, vacation, or other leaves of absence; and
 - b. During emergencies when only 1 staff member is on duty; and
 - 2. The methods the licensee uses to assure adequate communication and support among staff to provide continuity of services to children.
- B. A licensee shall also have a written staffing schedule for each facility shift; the schedule shall document the staff actually on duty during each shift. The licensee shall retain the schedules in 1 designated location for at least 2 years.
- C. A licensee shall have at least the paid staff to child ratios prescribed in this subsection.
- 1. Age 12 and above:
 - a. At least 1 paid staff member for each 10 children when children are under the licensee's direct supervision and awake.
 - b. During sleep hours, at least 1 paid staff member in each building where children in care are sleeping.
 - 2. Age 6 through 11:
 - a. At least 1 paid staff member for each 8 children when children are under the licensee's direct supervision and awake.
 - b. During sleep hours, at least 1 paid staff member in each building where children in care are sleeping.
 - 3. Age 3 through 5:
 - a. At least 1 paid staff member for each 6 children when children are under the licensee's direct supervision and awake.
 - b. At least 1 paid staff member in each building where children in care are sleeping.
 - 4. Under age 3:
 - a. At least 1 paid staff member for each 5 children when children are under the licensee's direct supervision and awake.
 - b. At least 1 paid staff member for each 6 children when children are sleeping.
 - 5. Nonambulatory children, under age 6: At least 1 paid staff member for each 4 children at all times.
- D. For the purpose of the paid staff-child ratios set forth in subsection (C) above,
- 1. Students and volunteers do not count as staff;
 - 2. A child who is not in care but who lives at the facility is counted as a child; and
 - 3. Any paid staff member counted in the ratio must be someone who is qualified to provide direct child care as prescribed in R6-5-7432(E).
- E. A licensee shall not fall below the minimum paid staff-child ratios specified in subsection (C), and shall, notwithstanding those ratios, have paid staff:
- 1. Sufficient to care for children as prescribed in this Article and in the licensee's own program description, statement of purpose, and policies;
 - 2. ~~Which That~~ take into account the following factors:
 - a. The ages, capabilities, developmental levels, and service plans of the children in care;
 - b. The time of day and the size and nature of the facility; and
 - c. The facility's history and the frequency and severity of unusual incidents, including runaways, sexual acting-out behavior, disciplinary problems, and injuries.
- F. A licensee shall have sufficient numbers of qualified staff to perform the fiscal, clerical, food service, housekeeping, and maintenance functions prescribed in this Article and in the licensee's own policies.
- G. A licensee shall make a good faith effort to employ staff who reflect the cultural and ethnic characteristics of the children in care.

R6-5-7446. Nutrition, Menus, and Food Service

- A. A licensee shall have a written, dated menu of planned meals. The menu shall be available at the facility at least 1 week before meals are served. The licensee shall post the weekly menu in the dining area or in a location where children may review it. The licensee shall keep a copy of the menu and any menu substitutions on file for 1 year.
- B. The licensee shall prepare and serve meals in compliance with the written, dated menus.**

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- ~~C.B.~~ A registered nutritionist or dietitian shall either prepare or approve the licensee's menus. The licensee shall maintain a record of any approvals for 1 year, and keep the record in a central location at the agency or facility.
- ~~D.C.~~ A licensee shall develop and follow a specialized menu for a child with special nutritional needs. The licensee shall make special menus available to nutritional staff, but shall not post special menus in an area ~~which~~ that is readily seen by other children in care.
- ~~E.D.~~ Menus shall reflect the religious, ethnic, and cultural differences of children in care.
- ~~F.E.~~ When developmentally appropriate, a licensee shall allow children to make menu suggestions.
- ~~G.F.~~ A licensee shall provide each child with at least 3 meals daily, with no more than 14 hours between the evening and morning meals. Between meal snacks shall not replace regular meals.
- ~~H.G.~~ A licensee shall provide meal portions that are consistent with each child's caloric needs.
- ~~I.H.~~ A licensee shall serve children meals that are substantially the same as those served to staff unless special dietary needs require differences in diet.
- ~~J.I.~~ A licensee shall allow children to eat at a reasonable rate; unless otherwise prescribed in agency policy, staff shall encourage social interaction and conversation during meals.
- ~~K.J.~~ A licensee shall have potable water available at all times.
- ~~L.K.~~ Staff shall directly supervise children involved in food preparation.

R6-5-7459. Building Interior

- A. A licensee shall ensure that a facility's physical plant can structurally accommodate the physical and program needs of all children in care according to the standards prescribed in this Article and the licensee's own program description.
- B. The licensee shall keep a facility clean and sanitary.
- C. The licensee shall have and maintain furnishings as prescribed in this subsection.
1. All living areas shall have furniture designed to suit the size and capabilities of the children in care.
 2. A licensee shall replace or repair broken, dilapidated, or defective furnishings and equipment.
 3. A licensee shall have mirrors in the facility to permit children in care to examine their personal appearance.
 4. A licensee shall secure the mirrors to walls at heights convenient to the children in care.
- D. A licensee shall ensure that all spaces used by children have outside ventilation from a window, louvers, air conditioning, or other mechanical equipment. A window or door used for outside ventilation shall have a screen.
- E. A licensee shall maintain a facility's residential environment at temperatures ~~which~~ that do not:
1. Exceed 85° F;
 2. Fall below 65° F. during daylight hours; or
 3. Fall below 60° F. during sleeping hours.
- F. A licensee shall use thermometers scaled at no more than 2 degree increments to determine temperature.
- G. A licensee shall not use free-standing stoves ~~which~~ that use wood, sawdust, coal, or pellets, or portable heaters as the primary source of heat for a residential area.
- H. A licensee shall safeguard hot water radiators or steam radiators and pipes or any other heating device capable of causing a burn.
- I. A licensee shall maintain and use all electrical equipment wiring, cords, switches, sockets, and outlets in good working order, under safe conditions, in accordance with the manufacturer's recommendations, and as prescribed in this subsection.
1. Electrical outlets in areas accessible to children younger than 6 shall have safety plugs or plates.
 2. The licensee shall not:
 - a. Use extension cords exceeding 7 feet in length;
 - b. Allow extension cords to be connected together to extend their length; or
 - c. Allow extension cords to run across or through a room or to pass from 1 room into another.
- J. A licensee shall provide illumination for ~~illuminate~~ a facility's rooms, corridors, and stairways so that children and personnel can perform activities and tasks safely and without eye strain, ~~and at the following minimum lighting intensities;~~
- ~~1. At least 15 foot candles in living and sleeping areas;~~
 - ~~2. At least 30 foot candles in study areas; and~~
 - ~~3. At least 30 foot candles in food preparation areas.~~
- K. A licensee shall illuminate a facility's outdoor walkways and premises so that children and personnel using areas at night can perform activities and tasks safely.
- L. A licensee housing more than 10 children shall install and maintain emergency lighting systems in children's living quarters.
1. In this subsection, "emergency lighting system" means a battery or generator operated system that:
 - a. Automatically activates if electrical power fails; and
 - b. Provides sufficient light for persons to exit safely in an emergency.
 2. If a licensee provides written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, the system is presumed adequate to satisfy this subsection.

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R6-5-7461. Sleeping Areas and Furnishings

- A.** A licensee shall provide each child in care with a designated area for rest and sleep as prescribed in this Section.
1. A licensee shall not use mobile dwellings, trailers, or vehicles as sleeping quarters.
 2. The licensee shall provide children in care with bedroom space that:
 - a. Has a direct source of natural light;
 - b. Has a window that:
 - i. Opens to the outside without a grill or other impediment to immediate emergency exit;
 - ii. Can be easily opened from the inside;
 - iii. Measures at least 22 inches on each side; and
 - iv. Has a bottom sill that is no more than 48 inches from the floor; and
 - c. Is at least:
 - i. A 74 square foot floor area for a single occupant;
 - ii. A 50 square foot floor area for each occupant in a multiple sleeping area; or
 - iii. A 40 square foot floor area for each crib.
 3. The licensee shall provide each child in care with a bed that:
 - a. Is proportional to the child's height;
 - b. Is at least 30 inches wide;
 - c. Has a solidly constructed bed frame; and
 - d. Has safety railings if developmentally appropriate for the child using the bed.
 4. If a licensee uses a bunk bed, the bed shall be limited to a double bunk, and shall have sufficient head room to allow the upper occupant to sit up.
 5. A licensee shall use only cribs that have:
 - a. Bars or slats no more than 2-3/8 inches apart;
 - b. A mattress that fits snugly into the crib frame so that there is no space between the mattress and frame; and
 - c. No openings through which a child could place his or her head.
 6. A licensee shall provide sheets, pillow cases, and blankets for each child and shall maintain bedding in good repair, without tears or stains.
 - a. The licensee shall ensure that sheets and pillowcases are washed at least weekly and more frequently if necessary.
 - b. The licensee shall use water-resistant bedding when necessary.
 7. A licensee shall provide each child with a dresser or other storage space adequate to contain the child's belongings and a designated space for hanging clothing in or near the child's bedroom.
- B.** The square footage area prescribed in subsection (A)(2)(c) is presumed adequate. If a licensee operates a barracks type facility ~~which~~ that does not meet these square footage requirements, the licensee shall present a written plan showing how the licensee's square footage provides enough space for sleeping, rest, study, recreation, ingress, and egress in an emergency. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.
- C.** A licensee shall not have bedroom doors that can be locked.